

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Applicants: Sarita CHAUDHARY *et al.*  
Title: FLAX SEED SPECIFIC PROMOTERS  
Appl. No.: 10/804,219  
Examiner: David H. Kruse  
Art Unit: 1638  
Confirmation Number: 7548

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in an Office Action mailed August 11, 2006, applicants provisionally elect claims 1 – 35 and 63 – 70 (Group I), as amended here. The elected claims are drawn to an expression methodology, using a seed-specific promoter found in flax, and to a transgenic plant embodying that methodology.

On page 3 the present action imposes a further election requirement, which, according to the PTO, is based on 35 USC § 121 and yet “is not be construed as an election of species.” In response, applicants provisionally elect SEQ ID NO: 6.

Both of these elections is made with traverse. The grounds are elaborated in the following remarks.